

BILL LOCKYER, Attorney General  
of the State of California

MICHAEL A. CACCIOTTI, State Bar No. 129533

Deputy Attorney General

California Department of Justice

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Attorneys for Complainant

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation  
Against:

JOHN PETER HAJDUCKO  
11135 Lower Circle Drive  
Grass Valley, CA 95949

Pharmacist License No. RPH 28924

Respondent.

Case No. 2793

OAH No. L2005060069

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of Pharmacy. She brought this action solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Michael A. Cacciotti, Deputy Attorney General.

2. JOHN PETER HAJDUCKO (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about July 17, 1974, the Board of Pharmacy issued Pharmacist License No. RPH 28924 to Respondent. The Pharmacist License No. RPH 28924 will expire on January 31, 2007, unless renewed.

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CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 28924, issued to Respondent JOHN PETER HAJDUCKO is surrendered and accepted by the Board.

13. The surrender of Respondent's Pharmacist License No. RPH 28924 and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a Pharmacist in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both his Pharmacist wall and pocket license certificate on or before the effective date of the Decision and Order.

16. Respondent understands and agrees that if he ever applies for licensure or

1 petitions for reinstatement in the State of California, the Board shall treat it as a new application  
2 for licensure. Respondent must comply with all the laws, regulations and procedures for  
3 licensure in effect at the time the application or petition is filed, and all of the charges and  
4 allegations contained in the First Amended Accusation No. 2793 shall be deemed to be true,  
5 correct and admitted by Respondent when the Board determines whether to grant or deny the  
6 application or petition.

7 17. Respondent shall pay the Board its costs of investigation and enforcement  
8 in the amount of \$12,387.75 prior to issuance of a new or reinstated license.

9 ACCEPTANCE

10 I have carefully read the Stipulated Surrender of License and Order. I understand  
11 the stipulation and the effect it will have on my Pharmacist License No. RPH 28924. I enter  
12 into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and  
13 agree to be bound by the Decision and Order of the Board of Pharmacy.

14 DATED: \_\_\_\_\_.

15 \_\_\_\_\_  
16 JOHN PETER HAJDUCKO  
Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully  
19 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.  
20

21 DATED: 12/16/05.

22 \_\_\_\_\_  
23 BILL LOCKYER, Attorney General  
of the State of California

24 Michael A. Cacciotti  
25 MICHAEL A. CACCIOTTI  
26 Deputy Attorney General

27 Attorneys for Complainant

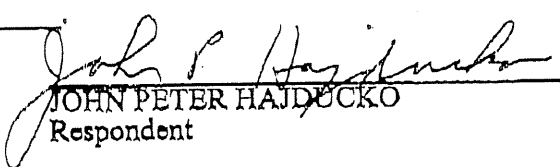
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11 the stipulation and the effect it will have on my Pharmacist License No. RPH 28924. I enter  
12 into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and  
13 agree to be bound by the Decision and Order of the Board of Pharmacy.

14 DATED: 12/17/05

15   
16 JOHN PETER HAJDUCKO  
Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully  
19 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.  
20

21 DATED: 12/16/05

22 BILL LOCKYER, Attorney General  
23 of the State of California

24   
25 MICHAEL A. CACCIOTTI  
26 Deputy Attorney General

27 Attorneys for Complainant

28 DOJ Matter ID: LA2004601516  
stipulated revocation.wpd

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation  
Against:

JOHN PETER HAJDUCKO  
11135 Lower Circle Drive  
Grass Valley, CA 95949

Pharmacist License No. RPH 28924

Respondent.

Case No. 2793

OAH No. L2005060069

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 15, 2006.

It is so ORDERED October 16, 2006.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
WILLIAM POWERS  
Board President

**Exhibit A**

**First Amended Accusation No. 2793**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 MICHAEL A. CACCIOTTI, State Bar No. 129533  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2932  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **JOHN PETER HAJDUCKO**  
1720 Rubio Circle  
13 Oxnard, CA 93030

14 Pharmacist License No. RPH 28924

15 Respondent.

Case No. 2793

OAH No. L2005060069

**FIRST AMENDED**  
**ACCUSATION**

16  
17 Complainant alleges:

18 PARTIES

19 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of  
21 Consumer Affairs.

22 2. On or about July 17, 1974, the Board issued Pharmacist No. RPH 28924 to  
23 John Peter Hajducko (Respondent). The license was in full force and effect at all times relevant  
24 to the charges brought herein and will expire on January 31, 2007, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board, under the authority of the  
27 following laws. All section references are to the Business and Professions Code unless otherwise  
28 indicated.



1                   4.       Section 4300 permits the Board to take disciplinary action to suspend or  
2 revoke a license or permit.

3                   5.       Section 118(b) states the suspension, expiration, or forfeiture by operation  
4 of law of a license issued by a Board in the department, or its suspension, forfeiture, or  
5 cancellation by order of the Board or by order of a court of law, or its surrender without the  
6 written consent of the Board, shall not, during any period in which it may be renewed, restored,  
7 reissued, or reinstated, deprive the Board of its authority to institute or continue a disciplinary  
8 proceeding against the licensee.

9                   6.       Section 4301 states:

10                   "The board shall take action against any holder of a license who is guilty of  
11 unprofessional conduct or whose license has been procured by fraud or misrepresentation or  
12 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
13 following:

14                   .....

15                   "(f) The commission of any act involving moral turpitude, dishonesty, fraud,  
16 deceit, or corruption, whether the act is committed in the course of relations as a licensee or  
17 otherwise, and whether the act is a felony or misdemeanor or not.

18                   .....

19                   "(l) The conviction of a crime substantially related to the qualifications,  
20 functions, and duties of a licensee under this chapter..... The record of conviction shall be  
21 conclusive evidence only of the fact that the conviction occurred.

22                   .....

23                   "(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
24 abetting the violation of or conspiring to violate any provision or term of this chapter or of the  
25 applicable federal and state laws and regulations governing pharmacy, including regulations  
26 established by the board.

27                   "(p) Actions or conduct that would have warranted denial of a license."

28                   ///

1                   "(q) Engaging in any conduct that subverts or attempts to subvert an investigation  
2 of the board. . . ."

3                   7.       Section 490, provides that the Board may suspend or revoke a license  
4 when it finds that the licensee has been convicted of a crime, if the crime is substantially related  
5 to the qualifications, functions, or duties of that license.

6                   8.       Section 4043, subdivision (a), states:

7                   "Wholesaler" means and includes a person who acts as a wholesale merchant,  
8 broker, jobber, customs broker, reverse distributor, agent, or out-of-state distributor, who sells for  
9 resale, or negotiates for distribution, or takes possession of, any drug or device included in  
10 Section 4022. Unless otherwise authorized by law, a wholesaler may not store, warehouse, or  
11 authorize the storage or warehousing of drugs with any person or at any location not licensed by  
12 the board."

13                  9.       Section 4059, subdivision (a), states:

14                  "A person may not furnish any dangerous drug, except upon the prescription of a  
15 physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any  
16 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or  
17 veterinarian."

18                  10.      Section 4081 states, in pertinent part:

19                  "(a) All records of manufacture and of sale, acquisition, or disposition of  
20 dangerous drugs or dangerous devices shall be at all times during business hours open to  
21 inspection by authorized officers of the law, and shall be preserved for at least three years from  
22 the date of making. A current inventory shall be kept by every manufacturer, wholesaler,  
23 pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian,  
24 laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked  
25 certificate, license, permit, registration, or exemption under Division 2 (commencing with  
26 Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000)  
27 of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or  
28 dangerous devices.

1           "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary  
2 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or  
3 exemptee-in-charge, for maintaining the records and inventory described in this section. . . ."

4           11.     Section 4105 states, in pertinent part:

5           "(a) All records or other documentation of the acquisition and disposition of  
6 dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on  
7 the licensed premises in a readily retrievable form."

8           . . . .

9           "(c) The records required by this section shall be retained on the licensed premises  
10 for a period of three years from the date of making. . . ."

11           12.     Section 4160, subdivision (a), states that "[a] person may not act as a  
12 wholesaler of any dangerous drug or dangerous device unless he or she has obtained a license  
13 from the board."

14           13.     Section 4332 states:

15           "Any person who fails, neglects, or refuses to maintain the records required by  
16 Section 4081 or who, when called upon by an authorized officer or a member of the board, fails,  
17 neglects, or refuses to produce or provide the records within a reasonable time, or who willfully  
18 produces or furnishes records that are false, is guilty of a misdemeanor."

19           14.     California Code of Regulations, title 16, section 1718 states:

20           "'Current Inventory" as used in Sections 4081 and 4332 of the Business and  
21 Professions Code shall be considered to include complete accountability for all dangerous drugs  
22 handled by every licensee enumerated in Sections 4081 and 4332.

23           "The controlled substances inventories required by Title 21, CFR, Section 1304  
24 shall be available for inspection upon request for at least 3 years after the date of the inventory."

25           15.     California Code of Regulations, title 16, section 1770, states:

26           "For the purpose of denial, suspension, or revocation of a personal or facility  
27 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions  
28 Code, a crime or act shall be considered substantially related to the qualifications, functions or

1 duties of a licensee or registrant if to a substantial degree it evidences present or potential  
2 unfitness of a licensee or registrant to perform the functions authorized by his license or  
3 registration in a manner consistent with the public health, safety, or welfare."

4 16. Section 125.3 provides, in part, that the Board may request the  
5 administrative law judge to direct any licensee found to have committed a violation of the  
6 licensing act, to pay the Board a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Crime)**

10 17. Respondent has subjected his license to discipline pursuant to section 4300  
11 for unprofessional conduct as defined in sections 4301(1) and 490 in conjunction with California  
12 Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime  
13 substantially related to the qualifications, functions, or duties of a pharmacist, by reason of the  
14 following:

15 a. On September 29, 2004, Respondent was convicted by a plea of  
16 guilty to three counts of violating section 368(d) of the Penal Code (theft from elder or dependent  
17 adult - a felony) and nine counts of violating section 487(a) of the Penal Code (grand theft - a  
18 felony) in the Ventura Superior Court, County of Ventura, case no. 2004021652 entitled *People*  
19 *v. John Peter Hajducko*. The circumstances surrounding the conviction are that on or about  
20 January 1, 2002 through July 26, 2004, Respondent committed theft and embezzlement with  
21 respect to the property of elder and dependent adults, said property having a value exceeding  
22 \$400.00 and knew and reasonably should have known that said persons were elder and dependent  
23 adults. On or about January 1, 2002 through July 26, 2004, Respondent committed grand theft of  
24 personal property and did unlawfully take money and personal property of a value exceeding  
25 \$400.00.

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1 paragraphs 17 through 20, inclusive.

2 **SIXTH CAUSE FOR DISCIPLINE**

3 **(Action Warranting Denial of License)**

4 22. Respondent has subjected his license to discipline pursuant to section 4300  
5 for unprofessional conduct as defined in section 4301(p) by committing acts which would  
6 warrant denial of a license as described above in paragraphs 17 through 21, inclusive.

7 **SEVENTH CAUSE FOR DISCIPLINE**

8 **(Violating the Pharmacy Law)**

9 23. Respondent has subjected his license to discipline pursuant to section 4300  
10 for unprofessional conduct as defined in section 4301(o) for violating Pharmacy Law as  
11 described above in paragraphs 17 through 22, inclusive.

12 **PRAYER**


13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

15 1. Revoking or suspending Pharmacist No. RPH 28924, issued to John Peter  
16 Hajducko.

17 2. Ordering John Peter Hajducko to pay the Board of Pharmacy the  
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
19 Professions Code section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 9/23/05

22   
23 PATRICIA F. HARRIS  
24 Executive Officer  
25 Board of Pharmacy  
26 Department of Consumer Affairs  
27 State of California

28 Complainant